

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on 09/09/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 6,730,117 has been reviewed and is accepted. The terminal disclaimer has been recorded and obviates an obviousness-type double patenting over that reference.

### ***Allowable Subject Matter***

Claims 1, 2, 4–14, 16, 18–24, 29–33 are allowed.

### ***Reasons for Allowance***

After a careful review of the prior art and the prior art of record, it has been determined that as of applicant's filing date, none of the prior art anticipated or rendered obvious the stent design claimed, particularly the helical progression, best seen in the embodiment found in fig. 5 of the instant application. Applicant's claims read over the Corso Jr. and Cottone, Jr. 5,549,663 references because, while those patents show a helical progression, they do not reasonably provide for a "plurality of circumferential hoops" each comprise of a "single continuous filament" that defines a helical progression.

Further, applicant's later-filed IDS references are close, but can be distinguished over the instant claims, because, while there are many prior art references with

continuous hoops shown in those cases, none of them has a helical progression made of a single continuous filament. See applicant's IDS 07/07/2011 and IDS 05/11/2011, filed after the original indication of allowable subject matter.

Examiner has interpreted this limitation, in light of the specification and the general understanding in the art, as meaning a single continuous filament for each hoop, wrapped the entire circumference of the stent, in a helical progression. Applicant has support for single continuous filament hoops at fig. 1 of related parent 09/623,347 and for helical progression of the hoops as shown in fig. 4 of that application. A terminal disclaimer was filed in that case to prevent the improper timewise extension of patent rights.

Accordingly, due to applicant's early filing date and the lack of available prior art over the independent claims, applicant's claims are allowable over the prior art. Patents most closely related to but not qualifying as prior art over the instant application are Becker 6,117,165 and those cited in the IDS references 07/07/2011 and 05/11/2011. Further, U.S. Patent to Fontaine 5,314,472 and others lack discernible welds of adjacent circumferential hoops or an advancing plurality of discrete hoops.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN R. STROUD whose telephone number is (571)270-3070. The examiner can normally be reached on 8-4, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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